

Remarks by  
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Thank you, Paul, for that kind introduction. Ladies and gentlemen, thank you for this opportunity to discuss the Navy and Marine Corps, and issues that concern the Office of the General Counsel.

My message to you today is that the Navy and Marine Corps are in a period of significant change—and in some ways, dramatic change. We need you more than ever to support us during this period of great challenge. Since 9/11, the world has been rapidly transforming in new and unexpected ways. Let me share with you some examples.

Our understanding of the Law of the Sea is evolving. Internationally accepted “blue water” rules are no longer enough. U.S. Naval forces are increasingly operating in green and brown territorial waters, requiring closer coordination with numerous individual countries – all with varying complicated rules and regulations. This coordination becomes even more complicated when operations take place in an area with many countries in close proximity. Many such countries lack regional agreements, and the rules change rapidly as our forces transit from one territory to the next.

For example, the law of one country might be based on English common law. Its neighbor, on the other hand, may be governed by Napoleonic law in some areas, and tribal law in others. Additionally, many nations are in different stages of development and may not have firm sets of rules and regulations to provide guidance.

My recent trip to Africa was highly illuminating in this regard, with many telling examples of the kinds of challenges that you will increasingly have to contend with in the years ahead.

For example, while visiting Ghana in the Gulf of Guinea, I met with Ghana’s Minister of Defense, the Western Regional Deputy Minister, the Minister of Fisheries, and a local tribal chief from Sekondi. Each official had different priorities, overlapping jurisdictions, and sometimes unclear lines of authority.

The Minister of Defense and his military leaders were focused on issues of customs, immigration, smuggling and drug-trafficking. The Western Regional Deputy

Minister was focused on the role of naval forces in providing security solely in her region. The Minister of Fisheries was focused on illegal fishing in Ghanaian waters. Security was a responsibility of each of these officials. It would require involvement with each of them whenever our forces needed their assistance in the coordination of our operations.

On paper, one might think that the ministers were the key players. It was the tribal chief, however, for whom everyone was willing to adjust his schedule. Just as the informal relationships in the Pentagon can affect decision-making to a greater degree than formal relationships, coordination in places like West Africa must be accomplished at many levels.

We must know how to function within the departments of the government, across the span of regional government officials, and with local tribal leaders—all of whom are governed by varying rules and regulations—in order to accomplish the mission. Ability to operate effectively across different cultures must be part of how we do business in today's world.

Indeed, the missions and careers of today's Sailors and Marines have evolved in new directions since the end of the Cold War. Traditional operations and exercises are now joined by new missions, and familiar career paths now lead into uncharted territory.

Take for example unprecedented Navy support for GWOT missions in Iraq. As of this month, 7,000 of 11,000 Sailors serving ashore in the CENTCOM AOR are serving in augmented billets, pulled away from their normal jobs and deployed to directly support the war. Another 3,000 Sailors are augmenting staffs and units in other combatant commands. These Sailors come from shore-duty and sea-duty billets, and from ships and regions all over the world. This is emblematic of the kinds of changes that are part of today's Navy and Marine Corps.

Consider some of the wide-ranging areas in which the Department of the Navy is now engaged, and the many changes in our priorities and missions. Today we find the Navy responsible for detainees in Guantanamo Bay and in various facilities in Iraq. Marines are engaging with sheiks and mullahs in small towns across Iraq, often acting as civil affairs administrators who represent the face of U.S. public diplomacy. Naval forces are combating piracy off the Somali coast and in the Strait of Malacca. They are in command of Joint Task Force Horn of Africa, and they are heading joint and coalition Provincial Reconstruction Teams in Afghanistan.

Engagement with Third World nations, such as with Ghana, now assumes an importance, in many cases, never before imagined. This engagement has become a critical element in fighting the global war on terror.

As we extend our engagement efforts to new areas of the world, we are increasingly being confronted with a nettlesome legal gray area—regions that fall into a category that can be considered un-governed or under-governed areas. In these areas, the law of the gun is often the only law that prevails.

As one might imagine, contracting in such areas can be especially problematic. Transfers of equipment, and operations, in ungoverned lands involve our people in situations they have seldom encountered.

Even in areas where we have routinely operated before, we face new challenges and new legal demands. Humanitarian relief efforts following an earthquake in Pakistan, a tsunami off the coast of Indonesia, and a hurricane on our own Gulf coast resulted in participation by Naval forces on an unprecedented scale, bringing a host of new legal challenges in their wake.

These incidents present a particular challenge to the attorneys in the Office of General Counsel and to the Navy legal community as a whole. We are increasingly

operating in an arena of accelerated legal challenges, sometimes in areas with unsettled case law, and few precedents on which to rely for guidance.

Take Hurricane Katrina, for example. Old issues such as posse comitatus suddenly gained consequence as Naval forces became deeply involved in relief operations at home. We seem to find ourselves in new areas requiring legal interpretation on a frequent basis.

Even acquisition, a bread and butter area of expertise for OGC attorneys, is now entering a new area of low rate production of extremely complex systems with extraordinary technologies—costing billions and billions of dollars.

This change will undoubtedly engender new, unforeseen challenges. Legal complications and uncertainties increasingly intersect with another area of growing importance to the Department's legal community—the environment.

Environmental issues have become more complex and more global in recent years, ranging well beyond territorial seas and deep into blue water. From opposition to proposed Outlying Landing Fields, to protection of mammals at sea, to obtaining permission to conduct vital training exercises in critical areas of the world, numerous issues increasingly demand the attention of Naval commanders and civilian leaders.

What all these developments will mean to the OGC community is a greater demand for broad legal backgrounds, and a cadre of lawyers with very specialized knowledge of both U.S. and international law, with the ability to adapt and find creative ways to respond to new issues.

It will also mean a greater demand for multicultural learning and a diverse experience base in our Department's legal community. And it will mean that the OGC staff will need to adapt, and prepare for an uncertain future in the same way as other elements of the Department of the Navy. You will need to transform and build a legal force to meet the challenges of tomorrow.

The legal world, however, does not like change. It relies on precedent for guidance. But much of what we see is unprecedented. We are now involved in a long-term engagement involving non-state actors who act without regard to any rules, and who are not signatories to the Geneva Convention. What this means on the battlefield, or in terms of the rules of engagement and the escalation of force, is still the subject of great debate.

We are faced with enemies for whom treachery is routine, a way of life. They will not be impressed by carefully calibrated shows of force with restrictive rules of engagement.

In contrast to their ruthlessness, we congratulate ourselves on our faithful adherence to the laws of war. When our own rules limit our effectiveness, it raises difficult ethical questions about our most fundamental duty and obligation to protect the country from danger. But it is critical that we maintain our high ethical and moral compass.

Maintaining the highest ethical standards in the Department is a personal priority of mine, and I would like to conclude with a word or two on this subject. Ethics applies to all of the issues I have discussed, from how we operate on the battlefield to how we interact with contractors and foreign nations. I insist that uncompromising adherence to the highest ethical standards characterize our dealings in every area.

You are key players in influencing our performance on ethics. It takes many years to build up a reputation for ethical behavior, but it takes only a few individuals a few moments to undermine a hard-won achievement that is vital to our organization. We must hold ourselves to the highest ethical standards, both professionally and in terms of our personal behavior.

Although today I pointed out that the Navy and Marine Corps are operating in many different environments, in nations with different legal systems, working with and fighting against groups that have different ethical standards, we will be judged by only one standard—our standard.

We are under a microscope, and we must strive daily to live up to our ideals. I want you to understand how important this is to me, and what my expectations are. Uncompromising ethical behavior is a priority today, tomorrow, and every day that I serve as your Secretary.

We have been entrusted with a vital mission. Our security and our way of life are at stake. We are living in a world of unprecedented change, new missions, and great struggles. With your help and continued support, we will meet these challenges, and prevail in the Long War that now confronts us.

Thank you, all of you, for your service and dedication to duty.